

FILED

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA
2019 JUL 22 PM 3:42
VIRGINIA DRILLING COMPANY, LLC,

CATHY S. GATSON, CLERK
KANAWHA COUNTY CIRCUIT COURT

Plaintiff,

v.
JUSTICE LOW SEAM MINING, INC.,

Civil Action No. 17-C-1130
Honorable Judge Joanna Tabit

Defendant.

AGREED DISMISSAL ORDER

In accordance with the provisions of Rule 41 of the West Virginia Rules of Civil Procedure, Plaintiff, Virginia Drilling Company, LLC, by counsel, Josef A. Hortscher and the law firm of Bailey & Wyant, PLLC, and Defendant, Southern Coal Corporation, by counsel, John F. Hussell, IV, Andrew J. Ellis, John D. (Jody) Wooton, Jr., and the law firm of Wooton, Davis, Hussell & Ellis, PLLC, hereby announce to the Court that all claims by the Plaintiff against the Defendant, have been fully settled, compromised, and adjusted. The parties further agree and stipulate that all motions to compel and/or for sanctions have been fully resolved and satisfied. Therefore, the parties jointly stipulate that the Complaint should be dismissed with prejudice and move this Honorable Court to dismiss, with prejudice, all claims by the Plaintiff against the Defendant.

The Court being advised of the settlement and compromise of all claims by the Plaintiff against the Defendant does hereby grant said motion and does further ORDER, ADJUDGE, and DECREE that the Complaint, the claims by the Plaintiff against the Defendant, any outstanding sanctions, and this civil action are hereby DISMISSED, with prejudice, with each party to bear its own attorneys' fees and expenses, and this civil action shall be stricken from the active docket of this Court.

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The Clerk is Ordered to forward attested copies of this Agreed Dismissal Order to all counsel of record.

Entered this 22nd day of July, 2019.


Honorable Joanna Tabit

Prepared and agreed by:


Andrew L. Ellis - WV Bar No. 10618
Wooton, Davis, Hussell & Ellis, PLLC
P.O. Box 3971
Charleston, WV 25339-3971
(304) 345-4611
Fax: (304) 345-4607
drew.ellis@wwdhe.com
Counsel for Defendant

STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, SS
I, CATHY G. GATSON, CLERK OF CIRCUIT COURT OF SAID COUNTY
AND IN SAID STATE, DO HEREBY CERTIFY THAT THE FOREGOING
IS A TRUE COPY FROM THE RECORDS OF SAID COURT,
GIVEN UNDER MY HAND AND SEAL OF SAID COURT THIS 5
DAY OF December 2019
Cathy G. Gatson, Esq. CLERK
CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

Agreed to by:


Josef A. Florter - WV Bar No. 1790
Bailey & Wyant, PLLC
500 Virginia St. East, Suite 600
PO Box 3710
Charleston, WV 25337
(304) 345-4222
Counsel for Plaintiff

Date: 7/23/19
Copied copies sent to:
 counsel of record
 parties
 other _____
(please indicate)
By:
 certified/1st class mail
 fax
 hand delivery
 interdepartmental
Other directives accomplished:
None
Deputy Circuit Clerk